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FEDERAL COMMUNICATIONS COMMISSION

OCT 1 1996

WASHINGTON, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

IN THE MATTER OF)
FAMILY BROADCASTING, INC.)
For Renewal of License)
for Station WSTX -FM)
Christiansted, Virgin Islands)

DOCKET FILE COPY)
MM DOCKET NO. 96 / 123)
FILE NO. BRH-951204YE)

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OCT 1 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

MOTION FOR RECONSIDERATION AND TO VACATE RULING

COMES NOW COUNSEL for the Respondent, FAMILY BROADCASTING, INC., and respectfully moves this Honorable Court for reconsideration, and that the Court's ruling dated September 10, 1996 be vacated.

As and for grounds, Counsel for the Respondent states as follows:

1. That the Court's Ruling in the above captioned matter issued on September 10, 1996, and released on September 13, 1996, was not received in the U. S. Virgin Islands until September 24, 1996.

2. That Family Broadcasting, Inc. did on June 14, 1996 mailed its Notice of Appearance to the Federal Communication Commission. Subsequently an Amended Notice of Appearance was mailed on July 26, 1996 to the Office of the Administrative Law Judge, with copies sent to the Mass Media Bureau, Federal Communication Commission at 2025 "M" Street N. W. Washington, D. C.

3. That the week following the submission of the Amended Notice of Appearance, Family Broadcasting, Inc. received the Mass Media Bureau's Motion which stated that this Respondent has failed to submit the required appearance. knowing that said documents were already submitted, this Respondent did not respond to the Mass Media's motion.

4. That the record is clear that Family Broadcasting, Inc. did submit to the Federal Communication Commission the following listed documents:

- (a) August 8, 1995 ----FCC Form #5072
- (b) November 30, 1995 -- License Renewal Package
 - 1. Check No. 157773 - License fee - \$115.00
 - 2. Check No. 157775 - Ownership Report Fee-\$45.00
 - 3. FCC form No. 303-S
 - 4. Resume of Family Broadcasting, Inc.
- (c) March 22, 1996 - Questionnaire
- (d) July 12, 1996 - Environmental Report

(See documents attached hereto and made a part hereof).

014

Family Broadcasting, Inc.

WSTX AM & FM

P.O. Box 3279
Christiansted, St. Croix
U.S. Virgin Islands 00822

(809) 778-8802
(809) 773-0445
Fax: (809) 778-8812

August 8, 1995

Ms. Claudia Patterson
Federal Communications Commission
Mass Media Bureau
Audio Services Division
Washington, D. C. 20554

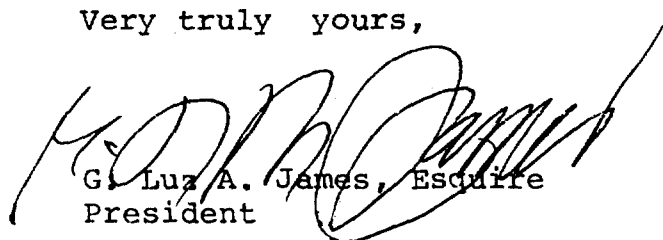
Re: Radio Station WSTX-AM & FM

Dear Ms. Patterson:

Pursuant to your telephone call, enclosed herewith please find FCC form #5072 dated February, 1995, and which has been completed and returned for your approval.

Should your office require additional information, please feel free to call me at (809)778-8802.

Very truly yours,



G. Luz A. James, Esquire
President

Enclosure



FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

CHANGE IN OFFICIAL MAILING ADDRESS FOR BROADCAST STATION

Mail to: Federal Communications Commission
Mass Media Bureau
Audio Services Division
Washington, D. C. 20554

1. Licensee's Name:
FAMILY BROADCASTING, INC. d/b/a WSTX-AM & FM
2. Street Address of Post Office Box:
P. O. Box 3279,
3. City, State, and ZIP Code:
Christiansted, St. Croix, U. S. Virgin Islands
4. Call Sign and Type of Service:
WSTX-AM & FM

47 C.F.R. Section 1.5 requires a permittee/licensee to keep the Commission informed of any change in mailing address in order that the station may be served documents or other official papers without delay.

Only one mailing address can be maintained for each broadcast station.

Due to lack of space the mailing address cannot contain an individual name (unless the licensee is an individual).

FCC 5072
February 1995

PAYABLE IN U.S.A. THROUGH NEW YORK CLEARING HOUSE IN OTHER COUNTRIES AT CURRENT BUYING RATE FOR DEMAND EXCHANGE ON NEW YORK

Scotiabank 

THE BANK OF NOVA SCOTIA
SUNNY ISLE
CENTRE LINE ROAD
ST. CROIX, U.S. VIRGIN ISLANDS 00820

PERSONAL MONEY ORDER
U.S. DOLLARS

157773 / 30585

1-1
210

NOV 30 1995
DATE

PAY TO ORDER OF

Federal Communication Comm'n

\$ 115 00
U.S. DOLLARS

SUM OF

NOT TO EXCEED ONE THOUSAND U.S. DOLLARS

TO:

THE BANK OF NEW YORK
NEW YORK, N.Y.

License Renewal - FM

SIGNATURE OF SENDER

ADDRESS OF SENDER

⑈ 157773 ⑈ ⑆ 021000018⑆ ⑈ 8101282288 ⑈

PAYABLE IN U.S.A. THROUGH NEW YORK CLEARING HOUSE. IN OTHER COUNTRIES AT CURRENT BUYING RATE FOR DEMAND EXCHANGE ON NEW YORK

Scotiabank 

THE BANK OF NOVA SCOTIA
SUNNY ISLE
CENTRE LINE ROAD
ST. CROIX, U.S. VIRGIN ISLANDS 00828

PERSONAL MONEY ORDER
U.S. DOLLARS

157775 / 30585

1-1
210

NOV 30 1995
DATE

PAY TO ORDER OF

Federal Communications Commission

\$ 45.00
U.S. DOLLARS

SUM OF
NOT TO EXCEED ONE THOUSAND U.S. DOLLARS

TO:

THE BANK OF NEW YORK
NEW YORK, N. Y.

Ownership Rept Fee - FM

SIGNATURE OF SENDER

ADDRESS OF SENDER

⑈ 157775⑈ ⑆021000018⑆ ⑈8101282288⑈

EXHIBIT

FCC 303-S - APPLICATION FOR RENEWAL OF LICENSE FOR AM, FM, TV,
TRANSLATOR OR LPTV STATION

SECTION III - Question #3

SINCE APRIL 1995 RADIO STATION WSTX-FM HAS BEEN EXPERIENCING SEVERE PROBLEMS WITH EQUIPMENT BECAUSE OF ITS CLOSE PROXIMITY AND EXPOSURE TO THE SEA, AND HAS THEREFORE BEEN ON AND OFF OF THE AIRWAVES INTERMITTENTLY. TO ADD TO THIS DIFFICULTY HAS BEEN RENEGOTIATIONS RELATIVE TO THE LEASE FOR THE LOCATION OF THE FM TRANSMITTER; FAMILY BROADCASTING INCORPORATED HAS THEREFORE ARRIVED AT THE CONSENSUS THAT APPLICATION SHOULD BE MADE TO THE FEDERAL COMMUNICATIONS COMMISSION FOR THE RELOCATION OF THIS EQUIPMENT. COMPOUNDING AN ALREADY DIFFICULT SITUATION WAS HURRICANE MARILYN WHICH GRACED THE SHORES OF THE UNITED STATES VIRGIN ISLANDS ON SEPTEMBER 15-16, 1995. RADIO STATION WSTX-FM WAS TOTALLED WHEN THE HURRICANE DESTROYED OUR SATELLITE DISH AND REMOVED THE ROOF HOUSING THE STUDIOS WHICH RESULTED IN LOSS OF EQUIPMENT. ALL PERTINENT DOCUMENTS HAVE BEEN FILED WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND ATTEMPTS ARE BEING MADE TO REPLACE ALL DAMAGED EQUIPMENT WHICH WOULD ALLOW RESUMPTION OF PROGRAMMING AS SOON AS POSSIBLE. IT SHOULD BE NOTED THAT SINCE THE DEVASTATION OF HURRICANE MARILYN THERE HAVE BEEN MANY INDIVIDUALS WHO HAVE NOTED THEIR INTEREST IN ACQUIRING THIS STATION. FAMILY BROADCASTING IS CURRENTLY IN THE PROCESS OF CONSIDERING ALL SERIOUS OFFERS AND WILL MAKE ALL NECESSARY PRESENTATIONS TO THE FEDERAL COMMUNICATIONS COMMISSION ONCE A DECISION HAS BEEN MADE.

EXHIBIT

SECTION III - Question #3

AS A RESULT OF HURRICANE MARILYN RADIO STATION WSTX-FM WAS SEVERELY DAMAGED AND ITS SATELLITE DISH TOTALLY DESTROYED. ALL PERTINENT DOCUMENTS HAVE BEEN FILED WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND ALL ATTEMPTS ARE BEING MADE TO REPLACE ALL DAMAGED EQUIPMENT AS SOON AS POSSIBLE.

Copy

RESUME OF FAMILY BROADCASTING, INC.

The undersigned serves as President of Family Broadcasting, Inc., which is a local corporation, duly approved by the Office of the Lt. Governor of the Virgin Islands. Said corporation came into fruition in 1990.

In June 1990, Family Broadcasting, Inc. received approval of the Federal Communications Commission, Washington, D.C., to acquire Radio Stations WSTX-AM & FM from Suburban Communications, Inc.

Thus, on September 12, 1990, Family Broadcasting, Inc. acquired Radio Stations WSTX-AM & FM and began operation immediately thereafter.

Monies for the acquisition of Radio Stations WSTX-AM & FM was obtained from the personal savings of my wife, Asta K. James, and the undersigned. Additionally, monies were loaned from the Bank of Nova Scotia, Sunny Isle Branch, St. Croix, U.S. Virgin Islands.

Regular monthly payments to the Bank of Nova Scotia were assigned from Income Rentals of the undersigned. This method continued successfully until 1993 when economic conditions worsened and Family Broadcasting, Inc. ran into problems with the Internal Revenue Service.

In 1991, Radio Stations WSTX-AM & FM was named by the Government of the Virgin Islands as the Emergency Broadcast Station of the U.S. Virgin Islands, and as such, this Radio Station has been in very close working relationship with the local Virgin Islands Territorial Emergency Management Agency (VITEMA) office.

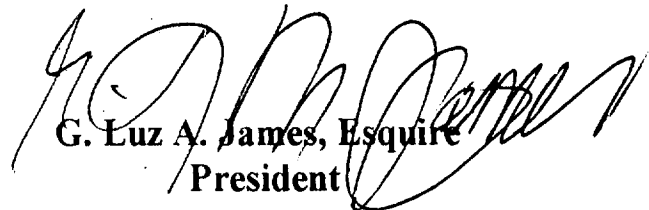
Radio Stations WSTX-AM & FM employs a total of eighteen (18) individuals of which number four (4) persons are full-time employees, and the remaining fourteen (14) individuals are part-time Disc Jockeys. The Radio Station has been operating on a twenty-four hour-seven days

per week basis (24-7) since November 1991, and is the only Radio Station in the U.S. Virgin Islands which provides services to all Government Departments and Agencies, free of charge, in keeping with its commitment to the people of the Virgin Islands by being a Community-Minded Station. WSTX-AM & FM will continue to promulgate the use of its airwaves for the dissemination of vital information to the people of the Virgin Islands. This station is also the only one in the U.S. Virgin Islands whose primary format is Calypso Music, the music of the Caribbean and the preservation of our Culture.



Radio Station WSTX-AM has been acclaimed as the most listened to Radio Station in the U.S. Virgin Islands and the Caribbean area. WSTX-AM serves as a vital link between the residents of other Caribbean islands and their nationals residing locally, and is often used to disseminate emergency information as the need arises. Radio Stations WSTX-AM & FM are people-oriented stations.

Respectfully submitted,



G. Luz A. James, Esquire
President

Family Broadcasting, Inc.

WSTX AM & FM

P.O. Box 3279
Christiansted, St. Croix
U.S. Virgin Islands 00822

(809) 778-8802
(809) 773-0445
Fax: (809) 778-8812

March 22, 1996

Federal Communications Commission
Radio License Renewals - 1800B
Washington, D.C. 20554

IN RE: WSTX-FM (FM)
CHRISTIANSTED, V.I.
BRH-951204YE

Dear Radio License Renewal Staff:

As requested in your letter of February 26, 1996, please find answers to the questions inadvertently left out of our license renewal application filed in November 1995.

Form 303-S, Section II, Question 4-

Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☒ Yes

☐ No

Form 303-S, Section II, Question 5-

Since the filing of the applicant's last renewal application or any other application for the subject station(s), has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes

☒ No

Form 303-S, Section II, Question 6-

Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute?

☐ Yes

☒ No

If Yes, attach as an Exhibit an Environmental Assessment, as required by 47 C.F.R. Section 1.1311.

Amendment to License Renewal Application
WSTX-FM (FM), Christiansted, V.I.
BRH-951204YE
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If No, explain briefly why not.

Radio Station WSTX-FM is not located in a "sensitive area" and would have no significant impact on human beings and/or wildlife or vegetation in the surrounding area; this station is therefore in compliance with RF radiation standards.

Form 303-S, Section III, Question 3-
FOR COMMERCIAL AM, FM AND TV APPLICANTS ON:

Is the station currently on the air?

 Yes

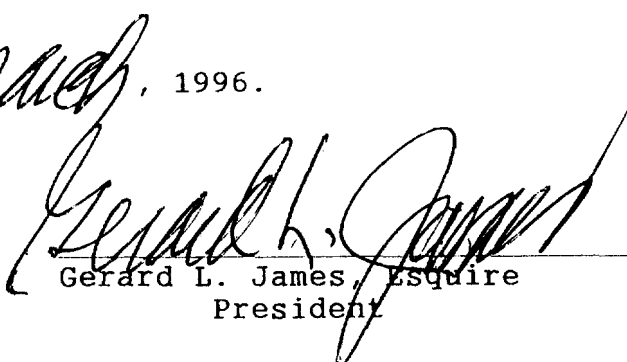
 X No

If No, attach as an Exhibit a statement of explanation, including the steps the applicant intends to take to restore service to the public.

Attached please find the exhibit (#1) to this answer which was submitted along with the initial application for renewal in November, 1995, but was attached to FCC Form 396 in error.

I certify that the statements in this amendment to license renewal application for radio station WSTX-FM are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Dated this 25th day of March, 1996.


Gerard L. James, Esquire
President

Attachments: (2)

Family Broadcasting, Inc.

WSTX AM & FM

P.O. Box 3279
Christiansted, St. Croix
U.S. Virgin Islands 00822

(809) 778-8802
(809) 773-0445
Fax: (809) 778-8812

July 12, 1996

TO; Audio Service - FM
 Federal Communication Commission
 2025 "M" Street N.W.
 Washington, D. C.
 20554

FROM: GERARD LUZ A. JAMES
 President
 Family Broadcasting, Inc.
 d/b/a/ Radio Station WSTXC -FM

SUBJECT: Environmental Report
 Radio Station WSTX-FM
 License Renewal

I have examined the Commission's Environmental requirements in 47 C.F.R. Section 1.1307 as outlined in Appendix C to the License Renewal Booklet. Based on my completion of the worksheets therein, I have determined that operation of my facilities will not have a significant environmental impact as defined by Section 1.1307, which includes consideration of the exposure of workers or the general public to levels of radio frequency radiation exceeding identified guidelines issued by the American National Standard Institute.



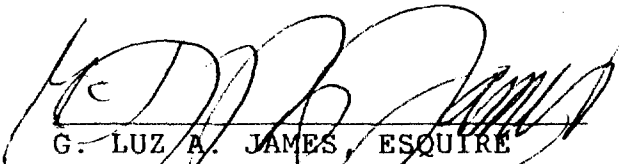
GERARD LUZ A. JAMES, ESQUIRE

MOTION FOR RECONSIDERATION
FAMILY BROADCASTING, INC.
Page Two

5. That all documents required by the FEDERAL COMMUNICATIONS COMMISSION for the Renewal of FAMILY BROADCASTING, INC. License Renewal were already submitted; however, it seems strange that these documents are now reported missing or not filed.

WHEREFORE, based on the facts as outlined above, and since all documents required by the Federal Communication Commission for the Renewal of FAMILY BROADCASTING, INC. License has already been submitted, this Respondent respectfully moves that this Motion for reconsideration be granted, and that the Court's Order issued on September 10, 1996 be vacated.

DATED this 27th day of September, 1996.



G. LUZ A. JAMES, ESQUIRE
P. O. BOX 3279
Christiansted, St. Croix
U. S. Virgin Islands
00822
(809) 778 - 8802

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing MOTION FOR RECONSIDERATION was mailed, postage prepaid to JACQUELINE E. ELLINGTON, ESQUIRE, Mass Media Bureau, Federal Communication Commission, 2025 "M" Street, Suite 8210, Washington, D. C. 20554, on this 27th day of September, 1996.



G. LUZ A. JAMES, ESQUIRE